

**VOTING MACHINES USED BY
MUNICIPALITIES**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: Ed Mayne

LONG TITLE

General Description:

This bill makes amendments to provisions in the Election Code governing costs assessable for administering an election.

Highlighted Provisions:

This bill:

► provides that costs assessed by a government entity in relation to a municipal election or a bond or leeway election may not exceed the actual cost to the government entity accessing the fees or charges.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-5-400.5, as last amended by Chapter 105, Laws of Utah 2005

20A-5-403, as last amended by Chapter 326, Laws of Utah 2006

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-5-400.5** is amended to read:



28 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

29 (1) When a voted leeway or bond election is held on the regular general election date
30 or regular primary election date, the county clerk shall serve as the election officer to conduct
31 and administer that election.

32 (2) (a) When a voted leeway or bond election is held on the municipal general election
33 date or any other election date permitted for special elections under Section 20A-1-204, and the
34 local political subdivision calling the election is entirely within the boundaries of the
35 unincorporated county, the county clerk shall serve as the election officer to conduct and
36 administer that election subject to Subsection (3).

37 (b) When a voted leeway or bond election is held on the municipal general election
38 date or any other election date permitted for special elections under Section 20A-1-204, and the
39 local political subdivision calling the election is entirely within the boundaries of a
40 municipality, the municipal clerk for that municipality shall, except as provided in Subsection
41 (3), serve as the election officer to conduct and administer that election.

42 (c) When a voted leeway or bond election is held on the municipal general election
43 date or any other election date permitted for special elections under Section 20A-1-204, and the
44 local political subdivision calling the election extends beyond the boundaries of a single
45 municipality:

46 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election
47 officer to conduct and administer the election for those portions of the local political
48 subdivision where the municipal general election or other election is being held; and

49 (ii) except as provided in Subsection (3), the county clerk shall serve as the election
50 officer to conduct and administer the election for the unincorporated county and for those
51 portions of any municipality where no municipal general election or other election is being
52 held.

53 (3) When a voted leeway or bond election is held on a date when no other election,
54 other than another voted leeway or bond election, is being held in the entire area comprising
55 the municipality calling the voted leeway or bond election:

56 (a) the clerk or chief executive officer of a special district or the business administrator
57 or superintendent of the school district, as applicable, shall serve as the election officer to
58 conduct and administer the bond election for those portions of the municipality in which no

59 other election, other than another voted leeway or bond election, is being held, unless the
60 special district or school district has designated the county clerk, municipal clerk, or both, to
61 serve as the election officer; and

62 (b) the county clerk, municipal clerk, or both, as determined by the municipality
63 holding the bond election, shall serve as the election officer to conduct and administer the bond
64 election for those portions of the municipality in which another election, other than another
65 voted leeway or bond election is being held.

66 (4) (a) In conducting elections under this section:

67 (i) the local political subdivision shall provide and pay for election notices; and

68 (ii) the election officer shall determine polling locations and compile, prepare, and
69 count the ballots.

70 (b) The county clerk, the municipal clerk, or both shall:

71 (i) establish fees for conducting voted leeway and bond elections for local political
72 subdivisions; and

73 (ii) bill each local political subdivision for the cost of conducting the voted leeway or
74 bond election.

75 (c) Fees and charges assessed by a county clerk or a municipal clerk under this section,
76 including costs of or rental fees associated with the use of election equipment and supplies,
77 shall not exceed the actual costs, including reasonable and necessary administrative costs,
78 incurred by the county clerk or municipal clerk.

79 (5) An election officer administering and conducting a voted leeway or bond election is
80 authorized to appoint or employ agents and professional services to assist in conducting and
81 administering the voted leeway or bond election.

82 (6) The election officer in a voted leeway or bond election shall conduct its procedures
83 under the direction of the local political subdivision calling the voted leeway or bond election.

84 Section 2. Section **20A-5-403** is amended to read:

85 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
86 **Arrangements.**

87 (1) Each election officer shall:

88 (a) designate polling places for each voting precinct in the jurisdiction; and

89 (b) obtain the approval of the county or municipal legislative body or special district

90 governing board for those polling places.

91 (2) (a) For each polling place, the election officer shall provide:

92 (i) an American flag;

93 (ii) a sufficient number of voting booths or compartments;

94 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
95 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

96 (iv) the constitutional amendment cards required by Part 1, Election Notices and
97 Instructions;

98 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
99 Information Pamphlet; and

100 (vi) the instruction cards required by Section 20A-5-102.

101 (b) Each election officer shall ensure that:

102 (i) each voting booth is at a convenient height for writing, and is arranged so that the
103 voter can prepare his ballot screened from observation;

104 (ii) there are a sufficient number of voting booths or voting devices to accommodate
105 the voters at that polling place; and

106 (iii) there is at least one voting booth or voting device that is configured to
107 accommodate persons with disabilities.

108 (c) Each county clerk shall provide a ballot box for each polling place that is large
109 enough to properly receive and hold the ballots to be cast.

110 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
111 access by a person with a disability.

112 (b) Any issues concerning inaccessibility to polling places by a person with a disability
113 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
114 clerk shall be:

115 (i) forwarded to the Office of the Lieutenant Governor; and

116 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
117 either:

118 (A) remedied at the particular location by the county clerk;

119 (B) the county clerk shall designate an alternative accessible location for the particular
120 precinct; or

121 (C) if no practical solution can be identified, file with the Office of the Lieutenant
122 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

123 (4) (a) The municipality in which the election is held shall pay the cost of conducting
124 each municipal election, including the cost of printing and supplies.

125 (b) Costs assessed to a municipality by an election officer under this section, including
126 the cost of or rental fees associated with the use of election equipment and supplies, shall not
127 exceed the actual costs, including reasonable and necessary administrative costs, incurred by
128 the entity that is assessing the costs.

129 (5) The county clerk shall make detailed entries of all proceedings had under this
130 chapter.

Legislative Review Note
as of 1-31-07 12:19 PM

Office of Legislative Research and General Counsel